

REMARKS/ARGUMENTS

This Amendment is being filed concurrently with a Request for Continued Examination (RCE). With this Amendment, Applicant amends claims 33 and 127. No new matter is added. Additionally, Applicant adds new claims 138-143. Accordingly, claims 1-45, 48-56 and 60-143 are currently pending in the application. However, claims 1-32 and 59-124 are withdrawn from consideration. Based on the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration of the application and allowance of the claims.

I. Rejection of Claims 33-40, 42-45, and 48-56 Under 35 U.S.C. § 103(a)

Claims 33-40, 42-45 and 48-56 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Westbury et al. (U.S. Patent No. 6,873,963; hereinafter “Westbury”) in view of Swan et al. (U.S. Patent No. 6,901,304; hereinafter “Swan”) in further view of Boucher et al. (U.S. Patent Appln. Publn. No. 2003/0097306; hereinafter “Boucher”).

Claim 33 recites “[a] system ... comprising:” *inter alia* “a sender computer system comprising: a processor configured to: transmit object identification data identifying an object, the object defined by a sender to identify either a product, a package containing the product, or a group of packages containing products; and a carrier computer system comprising: a processor configured to: receive the object identification data; receive package identification data; receive event data that is generated as the object passes through at least one portal having at least one scanner; link the object identification data directly with the package identification data and link the event data directly with the package identification data; store the object identification data in association with the linked package identification data and the event data in association with the linked package identification data ...”

Applicant submits that the combination of Westbury, Swan and Boucher do not teach, suggest or provide motivation for all of the above features of amended claim 33. In contrast to claim 33, Westbury, at best, discloses a method for tracking material being transferred from a source or supplier to a destination by a carrier. (Col. 1, lines 7-10 & Abstract of Westbury) In this regard, Westbury, alone or in combination with Swan and Boucher, describes that carrier information is associated with the supplier information to obtain an accurate estimate of when

supplier goods are to reach a manufacturer. (Col. 2, lines 26-28 of Westbury). In rejecting claim 33 and asserting that the combination of Westbury, Swan and Boucher discloses “stor[ing] the object identification data in association with the package identification data and the event data in association with the package identification data,” as required by claim 33, the Examiner continues to rely on “column 5, lines 13-16” of Westbury. (See pg. 3 of the office Action) As pointed out in the Amendment dated June 16, 2008, in contrast to the Examiner’s assertion, the cited portion and indeed all of Westbury, at best, discloses that a “tracking system 20 loads ... information provided by all commodity information and all the carrier shipment notifications into a standard database.” (Col. 5, lines 13-16 of Westbury) In rejecting claim 33, Applicant notes that the Examiner continues to rely on a “part number” as corresponding to the claimed object identification data and a “unique package number” as corresponding to the claimed package identification data. (See pg. 3 of the Office Action) Additionally, the Examiner relied on an ““electronic document” ... referred to as a carrier shipment notification form” that is issued by carrier 14 as corresponding to the claimed event data. (See *id.* & Col. 4, lines 25-28 of Westbury)

Despite the Examiner’s assertion, nowhere in column 5, lines 13-16 or any other portion of Westbury, alone or in combination with Swan and Boucher, is there any mention, teaching or suggestion relating to linking the part number (alleged object identification data) directly with the unique package number (alleged package identification data) and linking the electronic document, i.e., the carrier shipment notification form (alleged event data) directly with the package identification data, as would be required by the recitations of amended claim 33. In contrast to claim 33, “load[ing] information provided by all commodity information and all the carrier shipment notifications into a ... database” as, at best, described in column 5, lines 13-16 of Westbury (relied upon by the Examiner), does not teach or suggest linking a part number (alleged object data) directly with a unique package number (alleged package identification data) and linking a carrier shipment notification form (alleged event data) directly with a unique package number (alleged package identification data), as would be required by claim 33. Instead, Westbury, alone or in combination with Swan and Boucher, at best, discloses that the commodity information and the carrier shipment notification are combined to “obtain one

source" that is stored in a database. (Col. 5, lines 6-16 of Westbury) (emphasis added) However, storing combined commodity information and a carrier shipment notification form in one source does not teach or suggest any system having a processor that is configured to *link* a part number (alleged object identification data) *directly* with a unique package number (alleged package identification data) and *link* a carrier shipment notification form (alleged event data) *directly* with a unique package number (alleged package identification data), as required by claim 33.

In the *Response to Arguments* section, the Examiner alleges that "Westbury discloses that all of the collected information is organized in the form of an electronic document and collectively refers to all the data collected (including object identification data, package identification data and event data) as a 'set of commodity information.'" (See page 17 of the Office Action) (emphasis added) As such, the Examiner posits that "in Westbury, all the information is associated with one another for each shipment." (See *id.*) (emphasis added) Even assuming *arguendo* that the Examiner's interpretation of Westbury, alone or in combination with Swan and Boucher is true, such disclosure still does not teach or suggest all of the features of claim 33. Simply put, even given the broadest reasonable interpretation of Westbury, storing a part number (alleged object identification data), unique package number (alleged package identification data) and a carrier shipment notification form, i.e., the electronic document (alleged package identification data) collectively in a "set of commodity information" in an electronic document, as contended by the Examiner¹, does not teach or suggest the one-to-one relationship of claim 33 which recites "*link[ing]* the object identification data *directly* with the package identification data and *link[ing]* the event data *directly* with package identification data," as required by amended claim 33. In contrast to claim 33, even if "all the information [in the set of commodity information] is associated with one another for each shipment", as contended by the Examiner, such general association of the part number, unique package number, and carrier shipment notification form collected in the set of commodity information does not teach or suggest linking the part number (alleged object identification data) directly with the unique package number (alleged package identification data) and linking the carrier

¹ See pg. 17 of the Office Action

shipment notification form (alleged event data) directly with the unique package number (alleged package identification data) as would be required by claim 33.

Additionally, there certainly is no mention, teaching, suggestion or motivation in Westbury, alone or in combination with Swan and Boucher, relating to storing the part number (alleged objection identification data) in association with *linked* unique package number (alleged package identification data) and the carrier shipment notification form (alleged event data) in association with the *linked* unique package number (alleged package identification data), as would be required by claim 33. Since Westbury, alone or in combination with Swan and Boucher, does not teach or suggest any linkage of the part number directly with the unique package number and linkage of the carrier shipment notification form directly with the unique part number, Westbury, alone or in combination with Swan and Boucher, is also incapable of teaching or suggesting “*store* the object identification data in association with *the linked package identification data and the event data in association with the linked package identification data*,” as claimed. Storing the part number, unique package number and the carrier shipment notification form generally in a set of commodity information, as contended by the Examiner, does not teach or suggest storing any part number that is linked directly with the unique package number and any carrier shipment notification form that is linked directly with the unique package number, as would be required by amended claim 33.

Based on at least the foregoing reasons, Applicant submits that the combination of Westbury, Swan and Boucher is deficient and does not teach or suggest all of the features of amended claim 33 and its dependent claims 34-45 and 48-56.

II. Rejection of Claim 41 Under 35 U.S.C. § 103(a)

Claim 41 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Westbury et al., in view of Swan et al., and in further view of DeVries et al. (U.S. Pub. No. 2003/0009396). Applicant traverses this rejection for at least the following reasons.

As discussed above, the combination of Westbury and Swan is deficient vis-à-vis independent claim 33 and DeVries does not make up for the deficiencies of Westbury and Swan. Accordingly, Applicant submits that claim 41 is patentable at least by virtue of its dependency

from claim 33. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claim 41.

III. Rejection of Claims 125-133 Under 35 U.S.C. § 103(a)

Claims 125-133 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Westbury, et al. in view of Swan, et al., and in further view of the Examiner's Official Notice. (See pg. 12 of the Office Action)

Regarding dependent claims 125 and 126, Applicant traverses this rejection for at least the following reasons. As discussed above, Westbury and Swan, alone or in combination, are deficient vis-à-vis independent claim 33, and the Examiner's Official Notice does not make up for the deficiencies of Westbury and Swan. Accordingly, Applicant submits that claims 125 and 126 are patentable at least by virtue of their dependency from claim 33. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claims 125 and 126. Additionally, with regards to claim 125, Applicant again seasonably challenges and traverses the Examiner's assertion that it is well-known in the art to retrieve a network address of a computer system and transmit the network address to another computer system before the date of this invention and requests the Examiner to provide a reference that allegedly discloses this feature of claim 125.

In the *Response to Arguments* section, the Examiner alleges that "applicant failed to traverse the examiner's assertion of official notice" and as such the Examiner asserts that "statements are taken to be admitted prior art". (See pg. 18 of the Office Action) Applicant disagrees and points out that MPEP § 2144.03(C), which guides the Examiner in such matters, states "[i]f adequately traverse such a finding, an applicant must *specifically point out* the *supposed errors* in the examiner's action, which would include stating *why the noticed fact is not considered* to be common knowledge or well-known in the art." (emphasis added) As pointed out above, in the Amendment filed June 16, 2008, Applicant specifically traversed the Examiner's argument and submitted that it was not well-known in the art to retrieve a network address of a computer system and transmit the network address to another computer system *before the date of this invention* and Applicant requested the Examiner to produce a reference

allegedly disclosing the feature that the Examiner asserted was well known. (See pg. 29 of the Amendment filed June 16, 2008) As such, Applicant's has not admitted any prior art with respect to any of the claims. Based on Applicant's seasonable challenge of the Examiner's contention that it is "well-known in the art ... to retrieve a network address of a computer system and transmit the network address to a second computer system" the Examiner relies on U.S. Patent Appln. Publn. No. 2002/0049781 (hereinafter Bengtson). In contrast to the Examiner's general assertion Bengtson, at best discloses a "hyperlink database [that] logically associates publication hit specifications with network addresses." (See Abstract of Bengtson) However, such disclosure still does not teach or suggest "retrieve a corresponding network address of a ... computer system; and transmit the network address to the ... computer system," as required by claim 125.

With regards to independent claim 127, Applicant points out that independent claim 127 recites "[a] system ... comprising;" *inter alia* "a carrier computer system comprising: a processor configured to: link the object identification data directly with the package identification data and link the event data directly with the package identification data; store the object identification data in association with the linked package identification data and the event data in association with the linked package identification data ..."

Since independent claim 127 contains features that are analogous to, though not necessarily coextensive with the features recited in claim 33, Applicant submits that claim 127 and its dependent claims 128-133 are patentable at least for reasons analogous to those submitted for claim 33 and Applicant again notes that the Examiner did not appear to take any Official Notice with respect to independent claim 127 although claim 127 is stated as being rejected under Westbury, Swan and Examiner's Official Notice. (See pg. 11 of the Office Action) Rather, the Examiner merely provides the sweeping and general assertion that "claims 127-133 are directed to a system which recites no new elements as those already presented and rejected" and "[t]hus, these elements are each rejected on a similar basis." (See pg. 13 of the Office Action) For instance, the Examiner made no statement as to any recitation of claim 127 that was allegedly well-known. Rather, the statement provided was made only with respect to claim 125 and claim 126, which depends from claim 125. To the extent that the Examiner intended to

reject claims 127-133 on the basis of Official Notice, Applicant seasonably challenges and traverses such an assertion and requests the Examiner to disclose a reference that allegedly makes up for the deficiencies of Westbury, Swan and Boucher.

IV. Rejection of Claims 134-137 Under 35 U.S.C. § 103(a)

Claims 134-137 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Westbury, in view of Swan, Boucher and in view of Official Notice. Applicant traverses this rejection for at least the following reasons.

As discussed above, the combination of Westbury, Swan and Boucher is deficient vis-à-vis independent claims 33 and 127 and the Official Notice does not make up for the deficiencies of Westbury, Swan and Boucher and is not cited for such. Accordingly, Applicant submits that claims 134-137 are patentable at least by virtue of their respective dependencies from claims 134 and 137. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claims 134-137. Similar to the rejection of dependent claim 125, Applicant notes that the Examiner merely takes Official Notice that it is “well-known in the art ... to transmit a network address to [a] ... computer system wherein the processor of the ... computer system utilized the network address in [a] different computer system.” (See pg. 14 of the Office Action) As an initial matter, Applicant points out that such analogous features are recited in dependent claims 134 and 135 but not claims 136 and 137. As discussed at length above with respect to dependent claim 125, Applicant seasonably challenges the assertion that it is well-known “to transmit a network address to [a] ... computer system wherein the processor of the ... computer system utilized the network address in [a] different computer system” before the date of this application and the Applicant submits that the Bengtson reference relied upon by the Examiner as alleged demonstration that such features are well-known, at best, discloses a “hyperlink database [that] logically associates publication hit specifications with network addresses.” (See Abstract of Bengtson) However, such disclosure of Bengtson still does not teach or suggest “the third computer system transmits a network address to the carrier computer system, the processor of the carrier computer system utilizes the network address to transmit ... data to a fourth computer system,” as required by claim 134 and does not teach or suggest “the

third computer system comprises a processor configured to transmit a network address to the carrier computer system, the processor of the carrier computer system utilizes the network address to transmit ... data to a fourth computing system" as required by claim 135.

V. New Claims

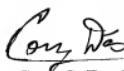
Applicant herein adds new claims 138-143 to provide more varied protection of Applicant's invention as described in the specification. In addition to their respective dependencies from independent claims 33 and 127, Applicant submits that claims 138-143 are independently patentable given that the cited references, alone or in combination, do not teach or suggest the features of these claims.

VI. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Zare is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,


Cory C. Davis
Registration No. 59,932

Appl. No.: 10/616,770
Amdt. dated January 21, 2009
Reply to Office Action of October 24, 2008

Customer No. 00826

ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Atlanta Office (404) 881-7000
Fax Atlanta Office (404) 881-7777

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON January 21, 2009.